IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8909 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

J.V. PATEL

Versus

S.. CHAUDHARY

Appearance:

MR NIKHIL KARIEL for MR BP TANNA for Petitioner

None present for Respondent No. 1

MR SAMIR J DAVE for Respondent No. 2, 3, 4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 10/11/2000

ORAL JUDGEMENT

Shri Nikhil Kariel submits that substantially the grievance with which the petitioner has come up before this Court now no more survives as the petitioner has been given the promotion but he was not given the

promotion from the date on which the respondent No.1 was promoted. That grievance still survives. The substantial grievance made now no more survives and as such this petition is dismissed as having become infructuous. However, for the grievance of deemed date of promotion the petitioner is free to make a representation to the respondent No.4 and if such a representation is made within a period of one month from the date of receipt of certified copy of this order, the respondent No.4 shall decide the same in accordance with law and within one month next and where the claim of the petitioner is acceptable then he may be given notional benefits from the deemed date and not actual. However, if the grievance of the petitioner is not acceptable then a reasoned order may be passed and copy of the same may be sent to the petitioner by registered post A.D. In case the order goes adverse to the petitioner on his representation, he is free to apply for revival of this special civil application. Subject to the aforesaid directions, Rule is discharged.

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zgs/-